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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,117	05/14/2001	Steven T. Kanefsky	108874	9063

32943 7590 06/07/2005

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EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,117

Applicant(s)

KANEFSKY, STEVEN T.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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- This action is responsive to the amendment and remarks file on 3/23/2005.
- Claims 1, 2, 4-17 are presented for examination.

The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al hereinafter Deo (US 6,832,084) in view of Weiner (US 4,862,390)

1. Referring to Claim 1, Deo discloses providing information on a wireless device (abstract),
receiving one or more search parameters (parameters is interpreted as objects in the art, Col 2, Lines 33-45, when the user enter the desired parameter such as "Contact" from the main menu, refer to Fig 1, the information is received in the mobile device, refer to abstract) from the wireless device;
identifying a folder (main menu, refer to Fig 1) based on the one or more search parameters (time, personal, refer to Fig 1),

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wherein the identified folders is part of a preexisting deck used by the wireless device (The identified folder is the "contact" folder, refer to Fig 1 and Fig 20, which is the preexisting decks by the wireless device); and

performing a menu navigation (refer to Fig 1) to a designation folder directed to the one or more search parameters (audio tones, 258A, 258B, 258C).

Deo does not expressly indicate the one or more parameters different from a menu navigation command of the wireless device;

Weiner discloses the one or more parameters letters (edit box, refer to Col 3, Lines 35-67) different from a menu navigation command (scroll region, refer to Col 50-67);

At the time of the invention, it would have been obvious for ordinary skill in the art to indicate the one or more parameter is different from the menu navigation command.

The suggestion of the invention, Deo indicates navigation in the wireless environment. It is well known that the cell phone consists of numerical/alphabetic keys with the communication device such as mobile device (refer to abstract), which Weiner indicates that by typing the alphabetic letter can maneuver the menu choice so that user can choose the application in the fast manner rather than going through the scroll. It saves user times to simply enter the parameter letter, so that the desired information would be easier to reach.

2. Referring to Claims 2 and 8, Deo discloses further comprising:

activating a script (applet code, refer to Col 4, Lines 15-40) directed to one or more queries (refer to Col 4, Lines 1-15, read and write are type of queries, which is known in the art) the script associated with a navigation command, each of the one or more queries associated with

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the one or more search parameters (the codes which interact with users selection/queries, Col 4, Lines 15-67).

3. Referring to Claim 11, Deo discloses wherein the wireless device display the at least one identified folder and/or the at least one identified item (display menu display the selected item "contact" which then display to the "contact" items, refer to Fig 1 and Fig 20).

4. Referring to Claim 5, Deo discloses comprising receiving one or more search parameters from the wireless device, identifying a selection of a plurality of folders and/or a plurality of items based on the one or more search parameters (refer to Col 5, Lines 10-25) each of the plurality of folders ("Time", "Personal", "Reminder", "pages", "Contacts", refer to Fig 1) and items ("Cults, Paul", "Deo, Nancy", etc, refer to Fig 20) being part of a preexisting deck used by the wireless device; and providing a second menu (Fig 20, second menu, which the title indicate "contacts") to the wireless device based on the identified selection operation (from the first menu, Fig 1, the selection operation consists the option "contacts", which the identified folder in the plurality of menu items, then navigate to the "contact" menu).

Deo does not expressly indicate the one or more parameters different from a menu navigation command of the wireless device;

Weiner discloses the one or more parameters letters (edit box, refer to Col 3, Lines 35-67) different from a menu navigation command (scroll region, refer to Col 50-67);

At the time of the invention, it would have been obvious for ordinary skill in the art to indicate the one or more parameter is different from the menu navigation command.

The suggestion of the invention, Deo indicates navigation in the wireless environment. It is well known that the cell phone consists of numerical/alphabetic keys with the communication device such as mobile device (refer to abstract), which Weiner indicates that by typing the alphabetic letter can maneuver the menu choice so that user can choose the application in the fast manner rather than going through the scroll. It saves user times to simply enter the parameter letter, so that the desired information would be easier to reach.

5. Referring to Claims 6 and 13, Deo discloses wherein the second menu (Refer to Fig 20) is a flat menu (GUI or interface) that includes two or more identified items (Different names, refer to Fig 20).

6. Referring to Claims 7 and 15, Deo discloses wherein the second menu (Fig 20) includes at least one text message (names of people, refer to Col 14, Lines 40-65) that contains at least one of the one or more search parameters (address and telephone numbers, refer to Col 14, Lines 40-65).

7. Referring to Claims 9 and 14, Deo discloses wherein the second menu is a hierarchical menu that includes two or more identified folders ("Time", "Personal", "reminders" .etc, are the folders, menu is hierarchical, refer to Col 5, Lines 1-10, which is inherent that the, and the user

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can move through a tree structure. Second menu, refer to Fig 20, consists of list of names as records, which associate to telephone numbers and address are folders or databases that can be two or more folders, refer to Col 14, Lines 40-65).

8. Referring to Claim 10, Deo discloses: an interface that receives one or more search parameters from the wireless device (parameters is interpreted as objects in the art, Col 2, Lines 33-45); a search device that performs a search operation based on the one or more search parameters (refer to Col 13, Lines 30-35), the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck used by the wireless device; and

a messaging device (paging, refer to Col 4, Lines 1-16) that provides information to the wireless device based on the search operation; (navigation, refer to Fig 1, "Contact", which is to search to the person's contacting information in able to paging, and bi-directionally, refer to Col 3, Lines 65-67);

wherein the wireless device displays one of the at least one identified folder and/or the at least one identified item or a portion of a second menu (refer to Fig 20), wherein the second menu is formed based on the provided information (refer to Fig 1, Main Menu).

Deo does not expressly indicate the one or more parameters different from a menu navigation command of the wireless device;

Weiner discloses the one or more parameters letters (edit box, refer to Col 3, Lines 35-67) different from a menu navigation command (scroll region, refer to Col 50-67);

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At the time of the invention, it would have been obvious for ordinary skill in the art to indicate the one or more parameter is different from the menu navigation command.

The suggestion of the invention, Deo indicates navigation in the wireless environment. It is well known that the cell phone consists of numerical/alphabetic keys with the communication device such as mobile device (refer to abstract), which Weiner indicates that by typing the alphabetic letter can maneuver the menu choice so that user can choose the application in the fast manner rather than going through the scroll. It saves user times to simply enter the parameter letter, so that the desired information would be easier to reach.

9. Referring to Claim 12, Deo discloses wherein the wireless device (refer to Abstract) displays a portion of the second menu (Refer to Fig 20)

10. Referring to Claim 16, Deo discloses a script processor (CPU, refer to Col 3, Lines 57-67) that provided at least one search parameter in response to a script (applet, refer to Col 4, Lines 1-40) directed to one or more query operations (read and writes).

11. Referring to Claim 17, Deo discloses wherein the script (applet, refer to Col 4, Lines 15-30) processor accessing information relating to an external network (downloading information from external source/network, refer to Col 4, Lines 1-16) in response to the script.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al hereinafter Deo (US 6,832,084) in view of LaDue (US 6,185,198).

1. Referring to Claim 4, Deo discloses wherein the script (applet, refer to Col 4, Lines 1-40) further including one or more operations (read and write).

Deo does not expressly indicate the operation includes performs one of facilitating a purchase (refer to 0113, receive and payable) facilitating a reservation based on the query and placing a phone call.

Ladue indicates the real time billing and debit transaction (purchase) (refer to Col 12, Lines 55-67) by dialing or messaging/paging (refer to Col 13, lines 60-67)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Deo and Ladue's invention because it is very efficient for user consists capability to pay billing and purchasing items such as games or ring tone just by pressing the bottom or making phone call.

Response to Arguments

Applicant's arguments filed 3/23/2005 have been fully considered but they are not persuasive.

1) In the remark, the applicant argued that 1. Deo does not discloses or suggest receiving one or more search parameters from the wireless device.

2) Examiner respectfully traverse the argument: 1. Deo discloses receiving one or more search parameters (parameters is interprets as objects in the art, Col 2, Lines 33-45, when the user enter

the desired parameter such as "Contact" from the main menu, refer to Fig 1, the information is received in the mobile device, refer to abstract) from the wireless device;

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FRANTZ B. JEAN
PRIMARY EXAMINER